



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,362	01/22/2001	Bartosz Balazinski	27950-00425USPT	2535

27902 7590 08/03/2004  
ERICSSON RESEARCH CANADA  
8400 DECARIE BLVD.  
MONTREAL, QC H4P 2N2  
CANADA

EXAMINER

MURPHY, RHONDA L

ART UNIT PAPER NUMBER

2667

DATE MAILED: 08/03/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Sk

# Office Action Summary

Application No.

09/767,362

Applicant(s)

BALAZINSKI ET AL.

Examiner

Rhonda L. Murphy

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 19-24 is/are rejected.
- 7) ☒ Claim(s) 9-18 and 25-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the air interface number "112 (3)", as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 7-8, 19, 20, 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Itabashi et al. (US 6,651,090).

**Regarding claims 1 and 19**, Itabashi discloses a wireless communication system for providing packet data services between a first peer and a second peer, the system comprising: a first peer engaging in negotiation of a point-to-point protocol (PPP) session (col. 5, lines 1-7; 57-60) and having a first database storing a first user profile that includes at least one pre-negotiated PPP parameter (col. 6, lines 11-15, 36-39), the first user profile stored in the first database being linked to an option (col. 6, lines 11-15; col. 7, lines 44-50); and a second peer engaging in the negotiation with the first peer and having a second database storing the first user profile (col. 9, lines 11-13), the first user profile stored in the second database being linked to the option (col. 6, lines 11-15; col. 9, lines 38-45), wherein the first peer sends the option to the second peer (col. 9, lines 38-41) and, if the peers agree on the first user profile (col. 9, lines 2-10), the first user profile is retrieved from the first database and the second database (col. 9, lines

Art Unit: 2667

41-48) and a state machine of the first peer and a state machine of the second peer are set in accordance with the first user profile (col. 9, lines 61-67; col. 10, lines 1-2).

**Regarding claims 2, 3 and 20**, Itabashi discloses the step of sending the option identifying the first user profile and the second pre-stored user profile, as being performed as part of a link control protocol negotiation (col. 5, lines 58-60; it is known in the art that when a PPP session is established, a PPP Link Control Protocol is initiated).

**Regarding claim 7 and 24**, Itabashi discloses the agreement by the peers on the first pre-stored user profile, comprises each of the peers acknowledging that the first pre-stored user profile is acceptable (col. 9, lines 38-41).

**Regarding claim 8**, Itabashi discloses the steps of determining whether the second peer supports the first pre-stored user profile (col. 8, lines 12-22); determining whether at least one parameter of the first pre-stored user profile is acceptable to the second peer responsive to a determination that the second peer supports the first pre-stored user profile (col. 8, lines 12-22, per col. 7, lines 44-65); and responsive to a determination that at least one parameter of the first pre-stored user profile is acceptable to the second peer, the first peer and the second peer agreeing on the first pre-stored user profile (col. 9, lines 38-41).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2667

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 – 6, 21 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Itabashi et al. (US 6,651,090) in view of Dynarski et al. (US 6,628,671).

**Regarding claim 4, 5, 22 and 23**, Itabashi discloses the step of sending the option as described in the rejection of claims 1 and 19.

Itabashi does not explicitly disclose sending the option in response to an inter-packet-data-service-node handover of one of the peers, or in response to one of the peers initiating a new PPP session.

However, the above-mentioned claimed limitations are taught by Dynarski. Dynarski teaches sending an option (**a call set-up message**) in response to the peer coming into range of another radio tower (col. 7, lines 14-25) and sending an option when a connection between the peers is initiated (col. 4, lines 4-7).

In view of this, having the method of Itabashi and then given the teaching of Dynarski, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Itabashi's method, by sending the option in response to a handover and session initiation, as taught by Dynarski, so as to optimize the performance of the point-to-point protocol negotiation.

**Regarding claim 6 and 21**, Itabashi discloses setting the state machine of the first peer and of the state machine of the second peer in accordance with the first pre-stored user profile.

Itabashi does not explicitly disclose the following limitation taught by Dynarski: setting the state machine of the first peer and of the state machine of the second peer in

accordance with the first pre-stored user profile obviates a need for any further point-to-point protocol negotiation between the first peer and the second peer (col. 7, lines 25-30).

In view of, having the method of Itabashi and then given the teaching of Dynarski, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Itabashi's method, by obviating a need for any further point-to-point protocol negotiation between the first peer and the second peer, as taught by Dynarski, so as to optimize the performance, reduce cost and utilize system resources efficiently.

***Allowable Subject Matter***

6. Claims 9 – 18 and 25 – 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Prior art does not teach the following claim limitations:

**Regarding claim 9:** a second peer rejecting the first pre-stored user profile and performing a full point-to-point negotiation in response to the rejection.

**Regarding claim 10:** setting of the state machine with the second pre-stored user profile that obviates a need for further PPP negotiation.

**Regarding claim 11:** determining whether the second peer pre-stored user profile similar to the first and sending an option identifying the second pre-stored user profile by the second peer to the first

**Claims 12-15** are variously dependent upon claim 11 and therefore, similarly include allowable subject matter. Furthermore, **Claims 16-17** are variously dependent upon claim 15 and **Claim 18** dependent upon claim 17, and therefore, similarly include allowable subject matter.

**Regarding claim 25:** if the first user profile is not acceptable to the second peer, the second peer sends a second option identifying a second user profile to the first peer.

**Claims 26-27** are variously dependent upon claim 25 and therefore, similarly include allowable subject matter. Furthermore, **Claim 28** is variously dependent upon claim 27 and therefore, similarly includes allowable subject matter.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda L Murphy whose telephone number is (703) 308-9557. The examiner can normally be reached on Monday - Friday 8:00pm – 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (703) 305-4798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you



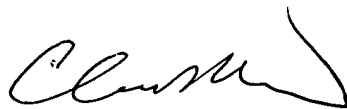
Application/Control Number: 09/767,362

Page 8

Art Unit: 2667

have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rlm



CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

7/23/04